

1 ROBERT D. WILSON (SBN 136736)
2 Deputy Secretary and Chief Counsel
3 California Department of Veterans Affairs
4 1227 "O" Street, Room 306
5 Sacramento, California 95814
6 Telephone: (916) 653-2539
7 Facsimile: (916) 653-2454

8 Attorney for Creditor
9 CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In the Matter of

CHARLES DENIS DOWNIE and
LYDIA DOWNIE,

Debtors.

Case No. 10-11995
Chapter 13

CALIFORNIA DEPARTMENT OF VETERANS
AFFAIRS' OBJECTION TO THE AMENDED
CHAPTER 13 PLAN DATED MARCH 18, 2011

Date: April 4, 2011
Time: 1:30 p.m.
Place: 99 E Street, Santa Rosa, CA
Judge: Honorable Alan Jaroslovsky

Petition Filed: May 26, 2010

The California Department of Veterans Affairs ("CDVA" or "Department") hereby objects to the confirmation of Debtors' Amended Chapter 13 Plan dated March 18, 2011.

INTRODUCTION

Since the Debtor's filed their Chapter 13 Voluntary Petition on May 26, 2010, they have amended their Chapter 13 plan six times.¹ The CDVA had accepted the February 2, 2010 version. For some reason the Debtors have once again amended the plan.

¹ July 14, 2010 (Docket 15), July 22, 2010 (Docket 20), December 3, 2010 (Docket 43), December 15, 2010 (Docket 45), February 2, 2011 (Docket 51) and March 18, 2011 (Docket 53).

1 Schedule J provides that the Debtors have a net disposable income of \$899.21/month, which
2 allows them to make a total payment of \$53,952.60 over the life of their Chapter 13 plan. Under the
3 February 2, 2011 plan the Debtors would have paid a total of \$51,756. Under their March 18, 2011
4 plan, Debtors are offering to pay \$46,656.00 – \$7,296.60 less than the net disposable income stated in
5 Schedule J and a \$5,100 less than the February 2, 2011 plan.

6
7 **OBJECTIONS TO PLAN**

8 **The March 18, 2011 Plan Does Not Apply All Projected Disposable Income to Unsecured Claims.**

9 Under 11 U.S.C. section 1325(b)(1)(B), a Chapter 13 plan must provide that “all of the debtor’s
10 projected disposable income... will be applied to make payments to unsecured creditors under the
11 plan.” Under their March 18, 2011 plan, Debtors are offering to pay just \$46,656.00 – \$7,296.60 less
12 than the net disposable income stated in Schedule J and a \$5,100 less than the February 2, 2011 plan.
13 The March 18, 2011 plan is therefore objectionable because it does not conform to the governing
14 Schedule J. Pursuant to 11 U.S.C. section 1325(b)(1)(B), the March 18, 2011 plan should not be
15 confirmed.

16
17 Dated: April 1, 2011 Respectfully submitted,

18
19 ROBERT D. WILSON
20 Deputy Secretary and Chief Counsel
21 CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

22 By /s/ Robert D. Wilson
23 ROBERT D. WILSON, Chief Counsel
24 Attorney for Creditor
25 The California Department of Veterans Affairs
26
27
28